

REMARKS/ARGUMENTS

The Office Action of July 12, 2010, has been reviewed and these remarks are responsive thereto. Claims 3, 4, and 6 were previously canceled, and claim 12 has been canceled in the present paper, all without prejudice or disclaimer. No new matter has been added. Claims 1, 2, 5, 7-11, and 13-31 remain pending upon entry of the present paper. Reconsideration and allowance of the instant application are respectfully requested.

Interview Summary

The undersigned would like to thank Examiner Oh for the courtesies extended during a telephone interview conducted on September 21, 2010. Pursuant to MPEP § 713.04, the below remarks include Applicant's substance of interview.

Rejections Under 35 U.S.C. § 101

Claims 29 and 30 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. This rejection is traversed below.

Amended independent claim 29 is directed to a system for managing communication networks comprising a plurality of computers each comprising a processor. Illustrative, non-limiting support for such features are provided in the filed specification when read as a whole, and for example, at page 4, lines 9-19 (describing physical objects/hardware media as including computers comprising central processing units (CPUs)).

Amended independent claim 30 is directed to a physical memory. Illustrative, non-limiting support for such features are provided in the filed specification when read as a whole, and for example, at page 4, lines 9-19 (describing a physical (e.g., a RAM) processing memory and a central processing unit (CPU) for running processes).

As agreed to during the interview, based on the amendments to claims 29 and 30, the section 101 rejection has been overcome.

Rejections Under 35 U.S.C. § 103

Claims 1, 5, 7, 8, 29, and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. pat. no. 5,651,006 to Fujino et al. ("Fujino") in view of U.S. pat. no. 6,639,893 to Chikenji et al. ("Chikenji"), and further in view of U.S. pat. no. 6,847,609 to Sarnikowski et al. ("Sarnikowski"). Claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujino, Chikenji, and Sarnikowski, in view of U.S. pat. no. 5,438,614 to Rozman et al. ("Rozman"). Claims 9-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujino, Chikenji, and Sarnikowski, in view of U.S. pat. no. 6,044,468 to Osmond ("Osmond"). Claim 13 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujino, Chikenji, Sarnikowski, and Osmond, in view of U.S. pat. no. 6,519,635 to Champlin et al. ("Champlin"). Claim 14 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujino, Chikenji, Sarnikowski, Osmond, and Champlin, in view of 6,882,637 to Le et al. ("Le"). Claim 31 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujino, Chikenji, Sarnikowski, Osmond, Champlin, Le, and further in view of U.S. pub. no. 2002/0083205 to Leon et al. ("Leon"). Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujino, Chikenji, Sarnikowski, Osmond, Champlin, Le, and further in view of U.S. pat. no. 6,236,341 to Dorward et al. ("Dorward"). Claims 16-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujino, Chikenji, Sarnikowski, and Rozman, and further in view of U.S. pat. no. 6,032,197 to Birdwell et al. ("Birdwell"). Claim 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujino, Chikenji, Sarnikowski, Osmond, Champlin, and further in view of U.S. pat. no. 6,539,540 to Noy et al. ("Noy"). Claims 21, 22, and 25-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujino, Chikenji, Sarnikowski, Osmond, and Champlin, and further in view of U.S. pub. no. 2002/0052946 to Yoshino ("Yoshino") and Noy. Claims 23 and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujino, Chikenji, Sarnikowski, Osmond, Champlin, Yoshino, and Noy, and further in view of U.S. pub. no. 2001/0044822 to Nishio ("Nishio"), U.S. pat. no. 6,421,425 to Bossi et al. ("Bossi"), and U.S. pub. no. 2002/0029228 to Rodriguez et al. ("Rodriguez"). Claim 28 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujino, Chikenji, Sarnikowski, Osmond, Champlin, Yoshino, and Noy, and

further in view of U.S. pub. no. 2002/0188708 to Takahashi et al. ("Takahashi"). These rejections are traversed.

Independent claim 1 recites "providing a plurality of intermediate objects configured to manage said at least one managed object according to a data set, said management activity being transformed into a set of results . . . concurrently managing said at least one managed object through said plurality of intermediate objects, to generate said set of results." As discussed at pages 11-12 of the Amendment filed April 6, 2010, Chikenji at col. 45, line 65 – col. 47, line 25 describes one of network management devices 100A and 100B (e.g., the alleged intermediate objects) operating as a current use system while the other of devices 100A and 100B operates as a spare system with respect to devices to be managed 110F, 111F, 112F, and 113F (e.g., the alleged at least one managed object). The Office concedes that this is the basis of the operation of devices 100A and 100B in Chikenji, at least to the extent that the Office relies on this operation as motivation to allegedly combine Fujino and Chikenji. See the Office Action at page 4 (contending that it would have been obvious to one of ordinary skill in the art to implement Chikenji into Fujino since Chikenji suggests multiple SNMP managers, the motivation being to provide back-up units in case of a fault (citing Chikenji at col. 46, lines 1-67 and Figures 33-34)).

Having established that Chikenji describes devices 100A and 100B in the context of a current use and spare based system, the Office Action at page 5 asserts that it would have been obvious to implement the alleged disclosures of Sarnikowski into Chikenji, the motivation being to provide greater flexibility to service providers and enterprises in implementing enterprise networks. This alleged motivation is merely the result of combining the documents. As discussed above and during the interview, the principle of operation in Chikenji is based on providing a current use and spare system. The proposed modification of Chikenji to include Sarnikowski is merely based on impermissible hindsight, as the proposed modification of Chikenji would have destroyed the intended purpose of providing current use and spare devices in Chikenji. See MPEP § 2143.01 (V.) (citing *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984) for the proposition that if the proposed modification would have rendered the prior art invention being modified unsatisfactory for its intended purpose, then there is no

suggestion or motivation to make the proposed modification). As the proposed modification would have been improper, claim 1 is allowable for at least these additional reasons.

Claims 29 and 30 recite features similar to those described above with respect to claim 1, and are distinguishable from Fujino and Chikenji for at least similar reasons.

The dependent claims are distinguishable from the applied documents for at least the same reasons as their respective base claims, as none of the additional applied documents remedy the deficiencies of Fujino, Chikenji, and Sarnikowski described above.

The dependent claims are distinguishable from the applied documents in view of the unique combinations of features recited therein. For example, claim 28 recites “transmitting a synchronisation message of the SNMP type indicating at least one of said transmission port and said reception port between said at least one manager object and said at least one of said plurality of intermediate objects.” The Office Action at page 29 concedes that Fujino fails to teach or suggest the above-noted features recited in claim 28. The Office Action at page 29 contends that Takahashi at Figure 3 describes such features in connection with an exchange of interface information. As discussed during the interview, the mere exchange of interface information fails to teach or suggest transmitting a synchronisation message, much less that the synchronisation message indicates at least one of a transport port and a reception port between at least one manager object and at least one of a plurality of intermediate objects as recited in claim 28. Claim 28 is distinguishable from the applied documents for at least the foregoing reasons (notwithstanding whether the alleged combination of documents would have been proper).

CONCLUSION

If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same.

Respectfully submitted,
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